

STATE PERSONNEL BOARD CALENDAR



JUNE 8, 2004

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: May 27, 2004

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD -- Appeals Division

SUBJECT: Notice and Agenda for the June 8, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on June 8, 2004, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the June 8, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda

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May 27, 2004

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in black ink, appearing to read "Tamara Lacey". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

TAMARA LACEY
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING* 801 Capitol Mall Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

FULL BOARD MEETING AGENDA**

JUNE 8, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 9:00 - 9:30 1. ROLL CALL
2. REPORT OF THE EXECUTIVE OFFICER
- Report of Laura Aguilera
Interim Executive Officer
State Personnel Board
3. REPORT OF THE CHIEF COUNSEL
4. NEW BUSINESS
(Items may be raised by Board Members for
scheduling and discussion at future meet-
ings.)
5. REPORT ON LEGISLATION

* Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

** The Agenda for the Board can be obtained at the following Internet address: <http://www.spb.ca.gov/calendar.htm>

- 9:30 - 10:00 6. ORAL ARGUMENT
Oral Argument in the matter of **ANDREW CIRNER,**
CASE NO. 03-2241EA. Appeal from denial of
request for reasonable accommodation.
Department of Mental Health.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 10:00 - 10:15 7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at
prior hearing. [Government Code Sections
11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 10:15 - 10:45 8. ORAL ARGUMENT
Written Argument only in the matter of
SHANNON FROEMING, CASE NO 03-2871EA. Appeal
from reasonable accommodation. Department of
Mental Health.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 10:45 - 11:00 9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at
prior hearing. [Government Code Sections
11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 11:00 - 11:30 10. ORAL ARGUMENT
Oral Argument in the matter of **JENNIFER KILL,**
CASE NO. 02-2164B. Appeal for determination
of back salary, benefits and interest.
Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 11:30 - 11:45 11. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

- 11:45 - 12:00 12. SELECTION ANALYST CERTIFICATE AWARDS
Awards presented to the following recipients:
Alice Schneider, Barbara Hatfield, Barbara Warner, Bill Cooper, Carole Hinkle, Ellen Hickerson, Jeanette Johnston, Julia McLean, Maria Anderson, Roberta Nishimura and Stacey Burdue.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 1:00 - 1:30 13. ORAL ARGUMENT
Oral Argument in the matter of **RAY MARTINEZ, CASE NO. 03-3344**. Appeal from dismissal. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 1:30 - 1:45 14. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 1:45 - 2:15 15. ORAL ARGUMENT
Oral Argument in the matter of **MARGARET A. MEJIA, CASE NO. 03-1848**. Appeal from dismissal. Department of Corrections.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 2:15 16. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES
Deliberations on matters submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State

Personnel Board or by the Board itself.
[Government Code Sections 11126 (d), and
18653 (2).]

17. PENDING LITIGATION

Conference with legal counsel to confer with
and receive advice regarding pending litigation
when discussion in open session would be
prejudicial. [Government Code Sections 11126
(e)(1), 18653.]

State Personnel Board (SPB) v. Department of
Personnel Administration (DPA)/ International
Union of Operating Engineers (IUOE et al.
Sacramento County Superior Court Case No.
01CS00109

Association of California State Attorneys and
Administrative Law Judges v. DPA/California
Department of Forestry Employees Association
(ASKA) CDF Firefighters Court of Appeal,
Third district No. C034943
Sacramento County Superior Court No.
99CS03314)

IUOE v. SPB/Public Employee Relations Board
(PERB)
Unfair Practice Case No. SA-CE-1295-S

Connerly v. SPB

CDC v. SPB (sulier)

18. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the
Legislature. [Government Code Section 18653.]

19. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the
Governor. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

20. DISCUSSION OF COMING BOARD MEETING SCHEDULE
OF JUNE 22, 2004, IN SACRAMENTO, CALIFORNIA

BOARD ACTIONS

21. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY
MINUTES OF MAY 18, 2004

22. ACTION ON SUBMITTED ITEMS
(See Agenda Page 27)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

23. EVIDENTIARY CASES

The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO.
00-1687A

Appeal from denial of reasonable
accommodation

Correctional Lieutenant

California Rehabilitation Center - Norco
Department of Corrections

RICHARD COELHO, CASE NO. 02-1796R
Appeal from constructive medical
termination
Fish and Game Warden
Department of Fish and Game

ROSIE L. DASHIELL, CASE NO. 03-2279
Appeal from dismissal
Public Safety Dispatcher I
California Highway Patrol

RANDALL DODSON, Case No. 03-1587
Appeal from non-punitive termination
Caltrans Equipment Operator I
Department of Transportation

CYNTHIA GEORGE, CASE NO. 03-2494
Appeal from suspension
Administrative Law Judge I
Unemployment Insurance Appeals Board

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center and Clinic - Sacramento
Department of the Youth Authority

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in
salary for six months
Special Agent
Department of Corrections

ALICE VAN-THU, CASE NO. 03-0413
Appeal from automatic resignation
Administrative Support Coordinator I
California State University -
Monterey Bay

PHUONG VU, CASE NO. 03-1145
Appeal from dismissal
Transportation Engineer (Civil)
Department of Transportation

BEVERLY WILSON, CASE NO. 03-1150A
Appeal from dismissal
Administrative Support Assistant II
California State University - Carson

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

ANDREW CIRNER, CASE NO. 03-2241EA
Appeal from denial of request for reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health

SHANNON FROEMING, CASE NO. 03-2871EA
Appeal from denial of request for reasonable accommodation
Employment Program Representative
Employment Development Department

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary, benefits and interest
Supervising Cook
California Correctional Institution - Tehachapi
Department of Corrections

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility - Corcoran
Department of Corrections

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health

C. CHIEF COUNSEL RESOLUTIONS

NONE

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

ROBERT HALL, CASE NO. 02-2027R
Appeal from dismissal
Correctional Officer
California State Prison - Solano
Department of Corrections

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

DENNIS VALENTINO, CASE NO. 03-3223
Appeal from suspension
Pest Control Specialist
California State University -
Long Beach

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

GWENETTE BACKOVICH, CASE NO. 02-4145
Appeal from dismissal
Officer
California Highway Patrol

RICHARD BALLER, CASE NO. 03-3160
Appeal from fifteen-working-days
suspension
Officer
California Highway Patrol

JANETTE CLEMENT, CASE NO. 03-3443
Appeal from three-month suspension
Psychiatric Technician
Department of Developmental Services
Consolidated with:
RUDY BURTON, CASE NO. 03-3444
Appeal from a one-step reduction in
salary for 12-months
Psychiatric Technician Assistant
Department of Developmental Services at
Consolidated with:
RICHARD GRAY, CASE NO. 03-3445
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services
Consolidated with:
MARK REITZEL, CASE NO. 03-3620
Appeal from a two-month suspension
Psychiatric Technician
Department of Developmental
Services
Consolidated with:
MARIA VELASQUEZ, CASE NO. 03-3618
Appeal from dismissal
Psychiatric Technician Assistant
Department of Developmental
Services
Consolidated with:
LIZA WEST, CASE NO. 03-3661
Appeal from a two-step reduction in
salary for 12-months
Psychiatric Technician Assistant
Department of Developmental Services

LATISHIA COLE-JAMES, CASE NO. 04-0494
Appeal from a five-percent reduction
in salary for three months
Personnel Specialist
Department of Consumer Affairs

CAROLYN GRAHAM, CASE NO. 03-1852
Appeal from five-working-days
suspension
Parole Administrator II (Adult)
Department of Corrections

DEBRA GREENE, CASE NO. 03-0621
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

STANLEY HEDDLESON, CASE NO. 03-3432
Appeal from non-punitive termination
Psychiatric Social Worker, Correctional
Facility
Department of Corrections

CLAUDYA HERNS, CASE NO. 03-3199
Appeal from five-percent reduction
in salary for twelve months
Correctional Officer
California State Prison - Lancaster
Department of Corrections

JEAN LUCKMAN, CASE NO. 03-3533E
Appeal from discrimination and
retaliation
Psychiatric Social Worker,
Correctional Facility
Valley State Prison - Chowchilla
Department of Corrections

YVETTE MACK, CASE NO. 03-2318
Appeal from dismissal
Administrative Support Coordinator I
California State University -
Carson

ANTHONY MARISIC, CASE NO. 02-3544
Appeal from five-percent reduction in
salary for six pay periods
Teacher (High School-Physical
Education)
Department of the Youth
Authority - Chino

CLINTON MONROE, CASE NO. 03-2311
Appeal from dismissal
Correctional Officer
Duel Vocational Institution - Tracy
Department of Corrections

CLAUDIA RODRIGUEZ, CASE NO. 04-0283
Appeal for reinstatement
Administrative Support Assistant II
California State University -
Dominguez Hills

MICHAEL RODRIGUEZ, CASE NO. 03-3751
Appeal from five-percent reduction
in salary for six months
Correctional Officer
Centinela State Prison - Imperial
Department of Corrections

KEVIN E. ROYA, CASE NO. 03-3574
Appeal from dismissal
Mechanic's Helper
Department of Transportation

ABRAHAM SANCHEZ, CASE NO. 03-3179
Appeal from thirty-work-days suspension
Job Agent
Employment Development Department

ROGER WILSON, CASE NO. 03-2990
Appeal from official reprimand
Correctional Counselor I
California State Prison - San Quentin
Department of Corrections

- Proposed Decisions Taken Under
Submission At Prior Meeting
These are ALJ proposed decisions
taken under submission at a prior
Board meeting, for lack of majority
vote or other reason.

NONE

- Proposed Decisions After Board
Remand

NONE

- Proposed Decisions After SPB
Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

HELENE BAGLEY, CASE NO. 03-1336P
Appeal from formal reprimand
Correctional Sergeant
California Institution for Men - Chino
Petition for rehearing filed by
appellant to be granted or denied

ANTHONY DUARTE, CASE NO. 03-2955P
Appeal from dismissal
Caltrans Equipment Operator II
Department of Transportation
Petition for rehearing filed by
appellant to be granted or denied

JAMES MENA, CASE NO. 03-1174P
Appeal from Whistleblower Retaliation
High School Teacher - PE, CF
Department of the Youth Authority
Petition for rehearing filed by
appellant to be granted or denied

HOWARD SANDERS, CASE NOS. 03-0691P
and 03-2319P
Appeal from five-working-days suspension
and thirty-working-days-suspension
Operating Systems Analyst
California State University - San Jose
Petition for rehearing filed by
appellant to be granted or denied

CLAUDETTE SMITH, CASE NO. 03-3578P
Appeal from constructive medical
termination
Office Assistant (Typing)
California Institution for Men - Chino
Petition for rehearing filed by
appellant to be granted or denied

KIMBERLY TAYLOR, CASE NOS. 02-1293P
and 02-3645P
Appeal from sixty-days suspension and
dismissal
Correctional Officer
California State Prison - San Quentin
Department of Corrections
Petition for rehearing filed by
appellant to be granted or denied

- Whistleblower Notice of Findings
The Board will vote to grant or
deny a petition for rehearing filed
by one or both parties, regarding a
Notice of Findings issued by the
Executive Officer under Government
Code, section 19682 et seq. and
Title 2, California Code of
Regulations, section 56 et seq.

ROBERT JENKINS, CASE NO. 03-0598P
Appeal of Whistleblower Retaliation
Staff Information Systems Analyst
Department of Health Services
Petition for rehearing filed by
appellant
Resolution adopting the Notice of
Findings issued by the Executive
Officer as the Board's own
decision.
Complaint DENIED

WAYNE MCKAY, CASE NO. 03-1496P
Appeal from whistleblower
retaliation
Associate Programmer Analyst
(Specialist)
State Water Resources Control Board
Petition for rehearing filed by
appellant.
Resolution adopting the Notice of
Findings issued by the Executive
Officer as the Board's own
decision.
Complaint DENIED

MICHAEL K. MOSELEY, M.D., CASE NO. 03-2996P

Appeal for whistleblower retaliation by the Health and Human Services Agency, Department of Social Services and Robert Schoenfelder, Director of the Department of Social Services
Petition for rehearing filed by appellant.

Resolution adopting the Notice of Findings issued by the Executive Officer as the Board's own decision.

Complaint DENIED

GEORGE MRVICHIN, CASE NO. 02-4089P
Appeal of Whistleblower Retaliation Athletic Trainer/Instructor
Los Angeles Community College District

Petition for Rehearing filed by appellant

Resolution adopting the Notice of Findings issued by the Executive Officer as the Board's own decision.

Complaint DENIED

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

DONALD ATKINS, CASE NO. 03-1448P
Appeal from five-percent reduction in salary for six months
Correctional Officer
California State Prison, San Quentin
Department of Corrections at San Quentin

TIMOTHY BOBITT, CASE NO. 02-2856
Appeal from suspension
Senior Special Agent in Charge
Department of Justice at Sacramento

ANDREW CIRNER, CASE NO. 03-2241E
Appeal from denial of request for
reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health

NICHOLAS COMAITES, CASE NO. 03-0062
Appeal from official reprimand
Correctional Counselor II
Department of Corrections
AND

PAUL WARD, CASE NO. 03-0332
Appeal from official reprimand
Correctional Administrator
Department of Corrections

MICHELLE DAWKINS, CASE NO. 03-2755
Appeal from demotion
Fiscal Services Supervisor to Typist
Clerk III
Human Services Agency, Merced County

SHANNON FROEMING, CASE
NO. 03-2871E
Appeal from denial of request for
reasonable accommodation
Employment Program
Representative
Employment Development
Department

RONALD GALI, CASE NO. 03-0462
Appeal from dismissal
Native American Spiritual Leader
Folsom State Prison - Represa
Department of Corrections

MARTIN HERNANDEZ, CASE NO. 02-4449P
Appeal from demotion
Correctional Sergeant
Calipatria State Prison - Imperial
Department of Corrections

ELIZABETH HERRERA, CASE NO. 03-2220A
Appeal from constructive medical
termination
Administrative Support Coordinator I
California State University - San Jose

MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion
Staff Services Manager I to the
position of Associate Health Program
Advisor (top step)
Department of Health Services

CONNIE JAMES, CASE NO. 03-3136
Appeal from 15-working-days suspension
Accounting Technician
Employment Development Department

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30 calendar days suspension
Employment Program Representative
Employment Development Department

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution -
Tehachapi
Department of Corrections

HUGO LANDEROS, CAE NO. 03-3190
Appeal from dismissal
Employment Program Representative
Employment Development Department

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility -
Corcoran
Department of Corrections

JACQUELYN MCCARVER, CASE NO. 03-0669
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center - Fallbrook
Department of Corrections

MARGARET A. MEJIA, CASE
NO. 03-1848
Appeal from dismissal
Psychiatric Technician(Safety)
Department of Mental Health

LEIJANE OGAWA, CASE NO. 03-2943E
Appeal from discrimination
Office Assistant (General)
Department of Transportation

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction in
salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections

VIRGINIA PARKER, CASE NO. 03-0325
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison - Blythe
Department of Corrections

KEVIN REDDINGTON, CASE NOS. 03-2646 &
03-0386P
Appeal from ten-percent reduction in
salary
For six pay periods, and dismissal
Office Technician (Typing)
Department of Forestry and Fire
Protection

KIM RITTENHOUSE, CASE NOS. 03-3541
and 03-3542E
Appeal from denial of reasonable
accommodation and from constructive
medical termination
Office Technician (General)
Department of Fish and Game

PEARLIE BLEDSOE-TOWNES, CASE NO. 03-
2966E
Appeal from denial of request for
reasonable Accommodation
Correctional Sergeant
Central California Women's Facility -
Chowchilla
Department of Corrections

DENNIS UYEDA, CASE NO. 03-2396P
Appeal from five-working-days suspension
Latent Print Analyst II
Department of Justice

NANCY VALENTINO, Case No. 03-0699
Appeal from dismissal
Psychiatric Technician
Department of Developmental Services

BOBBY WANG, CASE NO. 02-2684
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

GARY WHALEY, CASE NO. 03-1420E
Appeal from discrimination
Employment Program Representative
Employment Development Department

24. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Page 30)

25. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

RUHULLAH AHAMADI, CASE NO. 03-2570
Correctional Officer
Department of Corrections

JOANNA BODMAN, CASE NO. 03-1511
Correctional Officer
Department of Corrections

RICHARD CAUDILLO, CASE NO. 03-1508
Correctional Officer
Department of Corrections

JASONN DARR, CASE NO. 03-1913
Correctional Officer
Department of Corrections

RICHARD DORTON, CASE NO. 03-1032
Correctional Officer
Department of Corrections

MICHAEL DOUCETTE, CASE NO. 03-1098
Correctional Officer
Department of Corrections

STEPHEN HARROWER, CASE NO. 03-0465
Correctional Officer
Department of Corrections

MANDEEP HUSSON, CASE NO. 03-0345
Correctional Officer
Department of Corrections

JOSEPH JUAREZ, CASE NO. 03-1723
Correctional Officer
Department of Corrections

JOHN KULIC, CASE NO. 03-1564
Correctional Officer
Department of Corrections

BENNETT LEWIS, CASE NO. 03-1719
Correctional Officer
Department of Corrections

DAVID LIN, CASE NO. 02-3509
Cadet, CHP
California Highway Patrol

LANGDON MILLS, CASE NO. 03-2028
Youth Correctional Counselor
Department of Youth Authority

SHERRY MOLINA, CASE NO. 03-1829
Correctional Officer
Department of Corrections

JAVIER ORTIZ, CASE NO. 03-1083
Correctional Officer
Department of Corrections

MARCOS PACHECO, CASE NO. 03-1740
Correctional Officer
Department of Corrections

CARL STRAND, CASE NO. 02-3509
Correctional Officer
Department of Corrections

TENNESSEE STROUP, CASE NO. 03-081
Correctional Officer
Department of Corrections

ROBBIE VASQUEZ, CASE NO. 03-2511
Correctional Officer
Department of Corrections

GUADALUPE VELEZ, CASE NO. 03-2513
Correctional Officer
Department of Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS

Cases heard by a Staff Hearing Panel
comprised of a managerial staff member of
the State Personnel Board and a medical
professional. The Board will be
presented recommendations by a Hearing
Panel on each appeal.

SHAWN FORD, CASE NO. 03-1973
Correctional Officer
Department of Corrections

DAVID PAIGE, CASE NO. 03-2768
Correctional Officer
Department of Corrections

TRAVIS WHITE, CASE NO. 03-2872
Medical Technical Assistant I
Department of Corrections

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a
managerial staff member of the State
Personnel Board or investigated by
Appeals Division staff. The Board will
be presented recommendations by a Staff
Hearing Officer or Appeals Division staff
for final decision on each appeal.

(Examination Appeals)

JOHN WONG, CASE NO. 02-4103
Staff Services Manager I (SSMI)
Department of Education

(Minimum Qualifications Appeals)

RAED KHAMMASH, CASE NO. 01-3705
Transportation Engineer (Civil)
Department of transportation

(Merit Issue Complaint appeals)

CHRISTINE LIEBER, CASE NOS. 03-1457, 03-1458, & 03-1459
Workers' Compensation Payroll Auditor,
Workers' Compensation Claims Adjuster
and Workers' Compensation Insurance
Representative
State Compensation Insurance Fund

- D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE
Cases heard by a Staff Hearing Officer,
or a managerial staff member of the State
Personnel Board. The Board will be
presented recommendations by a Staff
Hearing Officer for final decision on
each appeal.

- E. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE
Investigated by Appeals Division staff.
The Board will be presented
recommendations by Appeals Division staff
for final decision on each request.

(RTFC Cases)

MICHAEL BRANCATO, CASE NO. 03-0512
Parole Agent I
Department of Corrections

ROBERT GREER, CASE NO. 02-2296
A former employee of the Department of
Corrections

WANDA HOGGARD, CASE NO. 02-3966
Office Technician
Department of Youth Authority

F. PSYCHOLOGICAL SCREENING CASES

Cases reviewed by Appeals Division staff,
but no hearing was held. It is
anticipated that the Board will act on
these proposals without a hearing.

LESLIE CENTENO, CASE NO. 03-2042
Correctional Officer
Department of Corrections

JORGE SANCHEZ, CASE NO. 04-0923
Correctional Officer
Department of Corrections

26. NON-HEARING CALENDAR

The following proposals are made to the State
Personnel Board by either the Board staff or
Department of Personnel Administration staff.
It is anticipated that the Board will act on
these proposals without a hearing.

Anyone with concerns or opposition to any of
these proposals should submit a written
notice to the Executive Officer clearly
stating the nature of the concern or opposi-
tion. Such notice should explain how the
issue in dispute is a merit employment matter
within the Board's scope of authority as set
forth in the State Civil Service Act
(Government Code Section 18500 et seq.) and
Article VII, California Constitution.
Matters within the Board's scope of authority
include, but are not limited to, personnel
selection, employee status, discrimination
and affirmative action. Matters outside the
Board's scope of authority include, but are
not limited to, compensation, employee
benefits, position allocation, and
organization structure. Such notice must be

received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. CHIEF HEARING REPORTER

The Department of Industrial Relations (DIR) is proposing to establish a new department specific supervisory class entitled Chief Hearing Reporter, Division of Workers' Compensation.

B. EQUIPMENT ENGINEER

The Department of Transportation (CalTRANS) and DPA propose to establish the deep class of Equipment Engineer with Alternate Ranges A through D, similar to other engineering deep classes in State Services with registration as a mechanical, electrical, civil, agricultural, manufacturing or structural engineering requirement at Range D, and with a 12 month probationary period. In addition, CalTRANS proposes to footnote 24 the existing class of Associate Equipment Engineer.

27. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following:

REGISTERED NURSE I, PHYSICIAN AND SURGEON
The California Department of Corrections (CDC) requests that the State Personnel Board abolish the Registered Nurse I, Correctional Facility and Physician and Surgeon,

Correctional Facility eligible lists prior to the minimum 12 months required for the life of these lists, effective June 30, 2004. The eligibility lists resulting from the E&E examination process administered by CDC for the above mentioned classification have resulted in more than 20 candidates on the lists and more than three ranks, contrary to SPB policy for E&E examinations. CDC has developed new examinations for the above-mentioned classification. All of the candidates currently on the eligibility lists have been notified and will have opportunity to compete in the new examination process.

28. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY
ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised

regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

(1) CHIEF COUNSEL

The Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Chief Counsel serves as the special legal advisor to the California Department of Food and Agriculture (CDFA), its boards and commissions, and the District Agricultural Associations providing legal and policy consultation.

(2) ASSISTANT SECRETARY, PROGRAM AND
FISCAL AFFAIRS

The California Health and Human Services Agency proposes to allocate the above position to the CEA category. The Assistant Secretary, Program and Fiscal Affairs, Health and Human Services Agency is the principal advisor to the Secretary, the Deputy Secretary, and other senior Agency staff on program policy and fiscal policy matters for their assigned departments and programs.

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) ASSISTANT DIRECTOR, HOMEOWNERSHIP
PROGRAMS
The California Housing Finance
Agency has withdrawn their request
to allocate the above position to
the CEA category effective
May 14, 2004.
- (2) DEPUTY DIRECTOR, ASSET MANAGEMENT
PROGRAMS
The California Housing Finance
Agency has withdrawn their request
to allocate the above position to
the CEA category effective
May 14, 2004.
- (3) ASSISTANT DIRECTOR, LEGISLATIVE &
PUBLIC AFFAIRS BRANCH
The Office of Statewide Health
Planning and Development's request
to allocate the above position to
the CEA category has been approved
effective May 6, 2004.

29. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. GOVERNMENT CODE SECTION 19683 (F)
REQUIRES THE STATE PERSONNEL BOARD TO
PROVIDE THE GOVERNOR AND THE LEGISLATURE
WITH AN ANNUAL REPORT REGARDING
COMPLAINTS FILED AND LEGAL ACTIONS TAKEN
PURSUANT TO SPB'S ROLE IN THE CALIFORNIA
WHISTLEBLOWER PROTECTION ACT. THIS
REPORT COVERS THE 2003 CALENDAR YEAR.
SPB STAFF IS REQUESTING THE BOARD TO
APPROVE THIS REPORT FOR SUBMISSION TO THE
GOVERNOR AND THE LEGISLATURE.

30. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).
4. PSC NO'S 04-01 and 04-02
Appeal of the California State Employees Association (CSEA) from the Executive Officer's November 20, 2003 denial of Jurisdiction over CSEA's Request to Review Contracts between the Department of Health Services (DHS) and Hubert Systems Consulting, Inc. and IBM Corporation.
5. OFFICE OF THE INSPECTOR GENERAL
Resolution to abolish eligible lists created by the Office of the Inspector General and to void two appointments.

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

Cal. 6/8/04

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills in which you may have an interest. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry Hicks'.

Sherry Hicks
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD CALENDAR JUNE 8, 2004

(Cal. 6/8/04)

MEMO TO: STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Chief, Merit Employment and Technical
Resources Division

SUBJECT: Non-Hearing Calendar Items for Board Action.

Staff have evaluated these items and recommend the following
action be taken:

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A. CHIEF HEARING REPORTER

The Department of Industrial Relations (DIR) is proposing to establish a new department specific supervisory class entitled Chief Hearing Reporter, Division of Workers' Compensation.

B. EQUIPMENT ENGINEER

210

The Department of Transportation (CalTRANS) and DPA propose to establish the deep class of Equipment Engineer with Alternate Ranges A through D, similar to other engineering deep classes in State Services with registration as a mechanical, electrical, civil, agricultural, manufacturing or structural engineering requirement at Range D, and with a 12 month probationary period. In addition, CalTRANS proposes to footnote 24 the existing class of Associate Equipment Engineer.

(June 8-9, 2004)

TO: STATE PERSONNEL BOARD

FROM: Hortencia O. Morales
Staff Personnel Program Analyst

REVIEWED BY: Wayne Kurahara, Program Manager
Department of Personnel Administration

SUBJECT: Establishment of the Chief Hearing Reporter, Division of Workers' Compensation (DWC) classification; and, proposed 12-months probationary period.

SUMMARY OF ISSUES:

The Department of Industrial Relations (DIR) is proposing to establish a new department-specific supervisory class entitled Chief Hearing Reporter, DWC. The new class will have a 12-month probationary period which is typical of supervisory and managerial classification. DIR proposes to allocate one position to this class within the Division. The incumbent will provide supervision to Hearing Reporters which are used in District Offices statewide.

The supervision over the Hearing Reporters is currently provided by either the Regional Managers or the Presiding Workers' Compensation Judges in the various district offices statewide. Incumbents in these classifications do not have the knowledge or technical expertise to properly supervise the transcript and hearing reporter function. DIR needs a Chief Hearing Reporter who can train, plan, organize, and direct a staff of Hearing Reporters in the DWC.

CONSULTED WITH:

Walt L. Harris, Personnel Officer, DIR
Jennifer Roche, SPB

In accordance with the terms of the DPA/Association of California State Supervisors agreement, DPA has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

See attached proposal.

RECOMMENDATIONS:

That the class of Chief Hearing Reporter, Division of Workers' Compensation be established; the proposed specification for the class as shown in this calendar be adopted; and, the probationary period be 12 months.

B. CLASSIFICATION CONSIDERATIONS

BACKGROUND

1. **Provide some historical perspective about the organizational setting of the subject class and the needs that this request addresses.**

The Department of Industrial Relations (DIR) was established to improve working conditions for California's 16,000,000 wage earners. Within the DIR are several distinct Divisions and Programs. One of the major Divisions of DIR is the Division of Workers' Compensation (DWC). The DWC has 23 District Offices throughout the state. These Offices monitor administration of workers' compensation insurance claims, attempt to minimize disputes, and provide administrative and judicial services to assist in resolving disputes that arise in connection with claim for workers' compensation benefits. When such disputes between injured workers and employers cannot be resolved, they often end up within the quasi-court system of the DWC for resolution before a Workers' Compensation Judge. There are 200,000 claims filed and/or litigated each year to resolve disputes of injured workers and their employers. Each court setting is made up of a Judge Team. A Judge Team consists of a Workers' Compensation Judge, a Senior Legal Typist, an Office Assistant (Typing), and a half-time Hearing Reporter. The Workers' Compensation Judge hears the case, and makes a decision on the merits of the issues raised before him/her during the trial. The Senior Legal Typist serves as a Secretary to the Workers' Compensation Judge. The Office Assistant (Typing) serves as a receptionist and clerical support person for the team. The half-time Hearing Reporter takes verbatim testimony of everything that is said in a Workers' Compensation hearing. Although each Hearing Reporter serves a Judge Team on a half-time basis, it should be noted that all Hearing Reporters are full-time employees of DWC.

If the DWC is to provide the best and most efficient service to the injured workers' of California, they must have a competent staff of professionals that can furnish the guidance, leadership and direction to subordinate staff. This has led to the Department of Industrial Relations' request to establish a new class entitled Chief Hearing Reporter, Division of Workers' Compensation. Currently, the DWC has a network of some 104 Hearing Reporters, all reporting to either the Workers' Compensation Judge or a Presiding Workers' Compensation Judge. These Judges do not have the technical expertise to hire, train, and/or technically review the work of Hearing Reporter. Thus, this request is in support of establishing a new class of Chief Hearing Reporters Division of Workers' Compensation.

2. **What classification(s) does the subject class report to?**

As proposed, the Chief Hearing Reporter Division of Workers' Compensation will report to the exempt Court Administrator for the Division of Workers' Compensation. Assembly Bill 749 created the position of Court Administrator, and in that legislation, it mandated that the Court Administrator "establish uniform district office procedures", Labor Code section 5500.3. The establishment of this classification of Chief Hearing Reporter Division of Workers' Compensation will enable the Court Administrator to fulfill his/her obligation with respect to establishing uniform district office procedures. It will also allow the Division of Workers' Compensation to have a supervisory position dedicated to improving the efficiency of Hearing Reporters throughout the Division.

3. **Will the subject class supervise? If so, what classes?**

Yes, the class of Chief Hearing Reporter Division of Workers' Compensation will be designated as supervisory, and will provide supervision only to the 104 incumbents in the class of Hearing Reporter, disbursed over 23 District Offices. All other clerical staff will be supervised by the Presiding Judges in the respective Offices.

4. What are the specific duties of the subject class?

The incumbent in the class of Chief Hearing Reporter Division of Workers' Compensation will be a member of the management team in the Division of Workers' Compensation. He/She will formulate policy regarding how Hearing Reporters will interface with other operations of the Division of Workers' Compensation Court System. The incumbent will provide supervision, guidance and direction to the staff of Hearing Reporters in the Division. The incumbent will also work with Workers' Compensation Judges, Presiding Judges and Regional Managers in establishing policies and procedures for the hearing reporter function. This will include everything from how transcripts are laid-out to the evaluation of new equipment and software technologies that may improve the working efficiency of Hearing Reporters. The Chief Hearing Reporter Division of Workers' Compensation will develop new training programs for the staff, and actually conduct training for Hearing Reporters to assure that all subordinate staff is trained in the latest processes for the hearing reporter function. The Chief Hearing Reporter Division of Workers' Compensation will work with the Workers' Compensation Judges in identifying all problems related to the hearing reporter function. If the problems can be resolved by providing better training to a specific Hearing Reporter, then the Chief Hearing Reporter Division of Workers' Compensation will make sure that the Hearing Reporter has all of the requisite training available to do his/her job. In those cases where training does not resolve performance problems of subordinate staff, then the Chief Hearing Reporter Division of Workers' Compensation will be the one to document performance deficiencies and take appropriate action. Also, the Chief Hearing Reporter will stay abreast of all new equipment and technologies that come out that may assist Hearing Reporters in doing their job. The incumbent will personally evaluate new equipment and technologies and make decisions on equipment purchases for Hearing Reporters in the Division of Workers' Compensation. Finally, the Chief Hearing Reporter Division of Workers' Compensation will work closely with the Workers' Compensation Judges and Presiding Workers' Compensation Judges in addressing staffing issues throughout the state. This may include working with the Departmental Personnel Office in developing aggressive ways to identify, recruit and test Hearing Reporter applicants so vacancies may be filled with minimal delay.

5. What is the decision-making responsibility of the subject class?

The position of Chief Hearing Reporter, DWC will be located in the San Francisco Headquarters. The incumbent will have complete autonomy over the hearing reporter function within the DWC and will travel to all of the District Offices on a regular basis to review the work of the Hearing Reporters. This request is based, in part, on the fact that with a staff of 104 Hearing Reporters, there is no one who is really in charge of supervising this function and making those decisions that impact not only the Hearing Reporters, but the operations of the Division as well. There is a real and unique discipline that is incumbent within the hearing reporter function of the DWC. This discipline is not mastered by the Workers' Compensation Judges or the Presiding Workers' Compensation Judges. If this function is to get the supervisory attention it needs, it must be done by someone who is familiar with the work, duties, responsibilities, knowledge, skills and abilities of incumbents in the class. Once this person is identified via an examination process, then he/she would take on the responsibility of making all decisions that impact the operations of Hearing Reporters and the services they provide for Workers' Compensation Judges.

6. What would be the consequence of error if incumbents in the subject class did not perform their jobs?

The consequences of error could be far reaching if the Chief Hearing Reporter Division of Workers' Compensation and the Hearing Reporters do not perform their respective functions. If the Hearing Reporters do not do their job in getting accurate transcripts of testimonies to the Workers' Compensation Judges and the employer and employee representatives then the entire appeal process is bogged down in delays. Currently, Workers' Compensation Judges are required

to render their decisions on workers' compensation cases that they hear within a specified number of days. If Hearing Reporters do not provide the accurate transcripts of testimonies of court proceedings in a timely manner, then the Workers' Compensation Judge is unable to meet this statutory requirement. If this happens, then the Workers' Compensation Judges are unable to issue decisions on workers' compensation matters that are brought before them for adjudication. The same is true of the proposed Chief Hearing Reporter. He/She will ensure that the Hearing Reporters are focused on getting transcripts out in a timely manner so the Workers' Compensation Judges can make their decisions within the statutory guidelines. It should be pointed out that workers' compensation, in general, is a subject that currently has a great deal of attention focused on it. It was clearly a "hot button" issue in the most recent gubernatorial recall election. It is sure to be a priority on Governor Elect Arnold Schwarzenegger's agenda. It is imperative that this proposed class of Chief Hearing Reporter Division of Workers' Compensation be established so there will be no delays inherent in getting transcripts to the Workers' Compensation Judges and to the attorneys for the employer and employee so these cases can be dispatched without delay.

7. What are the analytical requirements expected of incumbents in the subject class?

The Chief Hearing Reporter Division of Workers' Compensation will be expected to have the ability to analyze situations accurately and take effective action. He/She will be expected to develop creative solutions to the many problems facing the hearing reporter function in the Division of Workers' Compensation. The incumbent will have to be adept at discerning staffing problems and shortages and developing means to get the work done in an era of layoffs and freezes. In addition, the Chief Hearing Reporter will be expected to analyze, formulate and implement policy.

8. What are the purpose, type, and level of contact incumbents in the subject class make?

Since we are proposing a supervisory designated position to be in charge of the Hearing Reporters throughout the Division, most of the contacts will be internal, and up and down the chain of command. This would include Hearing Reporters in supervising their work products and making sure that they receive the training they need. Other contacts will include Workers' Compensation Judges in discussing problem employees and developing approaches to deal with performance deficiencies. The Chief Hearing Reporter Division of Workers' Compensation will also have ongoing contacts with the Presiding Workers' Compensation Judges in addressing staffing and resource problems. The incumbent may have some incidental contact with attorneys who are trying to get transcripts on an expedited basis, but this type of contact would be rare. Finally, the Chief Hearing Reporter Division of Workers' Compensation may have limited contact with sales representatives and vendors who are trying to sale new products to DWC.

9. Need for New Class.

DIR looked at a number of classes before a determination was made that a new class was needed to supervise the hearing reporter function within DIR. Because of the unique skill that Hearing Reporters are required to possess, their salary is much higher than the traditional supervisors within the clerical occupational group.

A comparison of the Hearing Reporter class to the traditional supervisory classes in the clerical occupational group indicates that the Hearing Reporter earns more than the generic supervisory classes. It would surely create a morale problem to ask an Office Services Manager (OSM) to supervise a group of Hearing Reporters when all of those Hearing Reporters are earning more than the OSM. In addition, the OSM is primarily responsible for the overall planning, directing and coordination of varied and extensive processing and service units engaged in clerical and related office activities. Therefore; it would be an inappropriate classification to supervise the hearing reporter function.

The DWC considered the class of Chief Hearing Reporter Public Utilities Commission but that option was not a practical solution for this Department. First, the minimum qualifications for the class of Chief Hearing Reporter Public Utilities Commission state to be accepted into an examination for that class under Pattern I, you must have either "Two years of experience in California state service performing the duties of a Hearing Reporter, Public Utilities Commission." None of the staff at DWC would meet this entry requirement; nor would any of them ever meet this entry requirement unless DIR could convince the Public Utilities Commission to do a class specification revision to allow Hearing Reporters from DWC to compete in this examination. Thus, we could only consider candidates from the Public Utilities Commission and could never consider an internal candidate who is familiar with court procedures and understands the importance of transcribing court testimonies. Pattern II for the class of Chief Hearing Reporter, Public Utilities Commission, the outside pattern, calls for "Four years of experience taking and transcribing verbatim accounts of conferences, hearings, proceedings, trials and other formal meetings using electronic machine shorthand writing and scoping on a CAT system, two years of which must have been in a supervisory capacity." Again, since the class of Hearing Reporter is a rank-and-file designated class, it is doubtful if any of DIR staff would meet these entry criteria. In short, even if DIR was successful in lobbying the Public Utilities Commission to use this class, we could never consider an internal appointment to this level, which would create a serious morale problem for DWC management.

The proposed class is paralleled to the Chief Hearing Reporter, PUC classification but with a far greater supervisory responsibility than the PUC class. The incumbent in the PUC supervises five to seven Hearing Reporters which are all centrally located in their San Francisco Headquarters Office. The incumbent in the DWC class has budgetary authority for 104 Hearing reporters disbursed throughout 24 District Offices statewide. In addition, to the supervisory responsibilities, the incumbent will also have program responsibility for the hearing reporter function within the DWC. This would include establishing new policies for the hearing reporters, determining training that will be made available to hearing reporters, working with training vendors to make sure that DWC training needs are addressed in all training programs, and being held directly accountable to the Chief Judge, DWC for the success and effectiveness of the hearing reporter function within the Division.

To reiterate, the class of Hearing Reporter uses a very unique skill of machine shorthand with a CAT system. The state has to pay for this skill, which has placed the salary for this class higher than most other classes in the clerical occupational group, including supervisory classes. Because of the unique skill, and the commensurate salary associated with this class, DIR is proposing to establish the new class to supervise over this function.

10. What are the proposed or current minimum qualifications of the subject class, and why are they appropriate? (Include inside and outside experience patterns.)

As proposed, the minimum qualifications for the class of Chief Hearing Reporter Division of Workers' Compensation are as follows:

Possession of a State of California license as a Certified Shorthand Reporter, and

Either I

Two years of experience performing hearing reporter duties in the California state service.

Or II

Four years of experience performing the duties of a Hearing Reporter or other comparable class that involved the use of computer-assisted transcription (CAT) or other electronic means of taking notes in a court, judicial, or quasi-legal setting where the notes become part of an official record. The four years of experience must have included at least 2 years in a supervisory capacity.

As proposed under Pattern I, the minimum qualifications of having worked in the capacity of a Hearing Reporter for 2 years should be a sufficient amount of time for incumbents to become fully versed in the hearing reporting function for the DWC, and for candidates to prepare themselves to take on a higher level of responsibility within that discipline. The outside pattern calls for a combination of hands on experience performing hearing reporter duties, along with experience supervising. These two backgrounds should make candidates with this experience competitive for the class of Chief Hearing Reporter Division of Worker.

11. If a probationary period other than six months is proposed, what is the rationale?

DIR is proposing a probationary period of 12 months for the class of Chief Hearing Reporter Division of Workers' Compensation. A 12-month probationary period is typical of supervisory and managerial designated positions. Also, a probationary period of 12 months will give the Court Administrator sufficient amount of time to observe the incumbent in the class to make sure he/she is capable of performing the full range of duties assigned to the Chief Hearing Reporter Division of Workers' Compensation position.

12. What is the impact on current incumbents?

Since this is the establishment of a new class, there will be no impact on current incumbents. Also, the DIR is proposing to administer an examination to fill the position of Chief Hearing Reporter Division of Workers' Compensation. With the administration of a competitive examination, and an appointment from a certified eligible list, there will be no impact on any existing employees.

13. Will current employees move by examination, transfer, reallocation, split-off, etc? Explain rational.

DIR is proposing to administer a competitive examination to fill the position via an eligible list appointment. There will be no transfers, reallocations or split-offs involved in the appointment process.

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Hortencia O. Morales, Department of Personnel Administration.

CALIFORNIA STATE PERSONNEL BOARD**SPECIFICATION**

Schematic Code: CD14
Class Code: 1224
Established:
Revised: --
Title Changed: --

**CHIEF HEARING REPORTER,
DIVISION OF WORKERS' COMPENSATION**

DEFINITION

Under direction, incumbent in this class oversees the Hearing Reporters within the Division of Workers' Compensation, providing leadership, guidance, and supervision. This position formulates policy regarding how Hearing Reporters will interface with other operations of the Division of Workers' Compensation Court System. Incumbent works closely with the Chief Judge, Court Administrator, and Presiding Judges in establishing policies and procedures that will govern the work of Hearing Reporters; and performs other related work.

JOB CHARACTERISTICS

Incumbent in this class is a subject-matter expert in the area of hearing reporting, and the use of computer-assisted transcription (CAT). Incumbent must be able to work with top management of the Division of Workers' Compensation in establishing policies that will dictate how the hearing reporting functions within the Division's Court System will be discharged.

TYPICAL TASKS

On a statewide basis, the incumbent acts as a technical expert in all phases of transcription within the Court system of the Division of Workers' Compensation; incumbent will work with the Chief Judge, Division of Workers' Compensation, and other Judges and legal professionals in establishing procedures for Hearing Reporters throughout the District Offices of the Division; assures that Hearing Reporters within the Division receive proper training on all phases of their jobs; establishes policy and standards to which Hearing Reporters are to complete their assigned tasks; makes decisions on equipment purchases for Hearing Reporters, and what software programs will be used by all Hearing Reporters in the Division of Workers' Compensation; ensures that the quality of work produced by Hearing Reporters is of a professional and acceptable quality; works with the Departmental Personnel Office in developing recruitment strategies to attract competent Hearing Reporters into the Division; also works with

Personnel in developing testing instruments to assist in selecting of Hearing Reporters; works with Presiding Judges to address and resolve any performance problems of Hearing Reporters throughout the Division; develops new training programs to assure that Hearing Reporters are kept abreast of the latest methods in doing their work; reviews new equipment and makes recommendations to the Chief Judge on purchases that would assist Hearing Reporters in doing the work; addresses staffing problems and staffing shortages throughout the Division's District Offices in an effort to make sure that staff are assigned to meet the most critical work needs of the Division; screens and interviews perspective staff members and makes appropriate hiring decisions; and performs other related duties.

MINIMUM QUALIFICATIONS

Possession of a State of California license as a Certified Shorthand Reporter, and

Either I

Two years of experience performing hearing reporter duties in the California state service.

Or II

Four years of experience performing the duties of a Hearing Reporter or other comparable class that involved the use of computer-assisted transcription (CAT) or other electronic means of taking notes in a court, judicial, or quasi-legal setting where the notes become part of an official record. The four years of experience must have included at least 2 years in a supervisory capacity.

KNOWLEDGE AND ABILITIES

Knowledge of: Use of computer-assisted transcription; court reporting procedures; court process and how it works within the Division of Workers' Compensation; technical legal terms within the broad area of workers' compensation; principles and techniques of personnel management and supervision; effective training methods; a supervisor's responsibility for promoting equal opportunity in hiring, employee development, and promotion, and for maintaining a work environment that is free of discrimination or harassment.

Ability to: Think clearly and quickly and analyze and solve problems of organization and management; understand staffing problems associated with the hearing reporting function and develop strategies to address these problems; effectively contribute to promoting equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

Chief Hearing Reporter, Division of Workers'
Compensation

-3-

ccd/sks

TO: STATE PERSONNEL BOARD

FROM: BOB MEANS
Personnel Management Analyst
Department of Transportation

REVIEWED BY: JUDY O'DAY, Chief
Division of Human Resources
Department of Transportation

SUMMARY OF ISSUES:

In September, 2002 the Department of Personnel Administration (DPA) and Professional Engineers in California Government (PECG) entered into an agreement for the Department of Transportation (Department) to establish the class of Equipment Engineer. The class is to be established as a deep class, including Alternate Ranges A through D, similar to other engineering deep classes in State service, with registration as a mechanical, electrical, civil, agricultural, manufacturing or structural engineer a requirement at Range D.

CONSULTED WITH:

Al Ramirez, Department of Personnel Administration
Ron Frank, Department of Transportation
Kris Teague, Department of Transportation
Linda McComb, Department of Transportation
Kathy Foley, Department of Transportation

In accordance with the terms of the DPA/Unit 9 contract, the Department has notified the union in writing of this proposal and they are in agreement with it.

CLASSIFICATION CONSIDERATIONS:

Within the Department, the Division of Equipment is responsible for the acquisition, modification, maintenance and disposition of a fleet of autos, trucks and heavy equipment. Engineering positions within the Division are involved with a wide variety of shop, office, and field equipment engineering work in connection with mobile equipment design, fabrication, drafting, specifications and inspections.

The existing journey level class of Associate Equipment Engineer does not require engineering registration. However, over the years more of the staff in the class have obtained their registration as either a civil, electrical or mechanical engineer. Based on a combination of education (college degree in engineering), experience and ability to pass the engineering registration exam, the Division concluded that the most qualified persons to perform journey level equipment engineering work are those who possess engineering registration. In recognition of the establishment of an increased number of engineering deep classes, most especially civil, electrical and mechanical, in areas outside of the Division and in an effort to retain current registered staff, in April, 2001 DPA allowed incumbents in the Associate Equipment Engineer class who were registered professional engineers to be reallocated to the respective engineering deep class represented by their registration, most specifically Transportation Engineer (Civil), Transportation Engineer (Electrical), and Mechanical Engineer, within the Division.

In September, 2002 DPA and PECG entered into an agreement to establish an Equipment Engineer deep class comparable to other engineering deep classes in State service. This action will eventually result in the use of a single class representing registration needs at the journey level in the Division of Equipment. Employees in the engineering deep classes cited above will be given the option of transferring to the Equipment Engineer deep class at the appropriate salary range. Incumbents in the Associate Equipment Engineer class will remain in that class and the class will be designated Footnote 24 so that no further appointments will be made to the class. As incumbents in that class obtain engineering registration they will be eligible to transfer to the appropriate range in the Equipment Engineer deep class.

The proposed class will have the same classification and salary relationship between the Senior and Supervising level Equipment Engineer classes as other engineering deep classes have to the Senior and Supervising level classes in their respective engineering disciplines.

At the present time the Equipment Division depends on the Mechanical Engineer class for recruitment and hiring purposes. The proposed class will enhance the Divisions ability to recruit and hire engineers with greater potential to perform equipment engineering work.

RECOMMENDATIONS:

1. That the class of Equipment Engineer be established; the proposed Alternate Range Criteria 441 as shown in this calendar be adopted; the proposed specification for the class as shown in this calendar be adopted; the probationary period be 12 months; and a Footnote 24 be assigned to the Associate Equipment Engineer class.
2. That the proposed revised specification for the class of Senior Equipment Engineer as shown in this calendar be adopted.

RESOLUTIONS:

WHEREAS Title 2, California Code of Regulation Section 431 states "Unless otherwise provided by resolution of the Board, the maximum rate of the lowest salary range currently authorized for a class is used to make salary comparisons"; and

WHEREAS alternate ranges within the new class of Equipment Engineer are being established to add a new entry level and to replace the existing class of Associate Equipment Engineer; and

WHEREAS placement in each alternate range of the class of Equipment Engineer represents recognition of a higher level of knowledge, skill, ability, experience or eligibility which each appointee can acquire through experience in the class of Equipment Engineer or comparable or higher level classes; and

WHEREAS as the result of a permanent appointment to each alternate range, an appointee gains status in the range which he/she is appointed as though each range is a separate class by qualifying for placement in that range through transfer, reinstatement, demotion, or satisfying the alternate range criteria: Therefor be it

RESOLVED, That salary ranges A, B, C and D for the class of Equipment Engineer may be used individually as if each represents the salary range of a separate class to make salary comparisons for discretionary actions between the class of Equipment Engineer and other

classes; and be it further

RESOLVED, THAT for the class of Equipment Engineer the maximum currently authorized for Range D of the class shall be the salary range used to make salary comparisons for mandatory actions.

B. CLASSIFICATION CONSIDERATIONS

EQUIPMENT ENGINEER

BACKGROUND

1. **Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.**

The proposed class of Equipment Engineer is used within the Department of Transportation (Department), Division of Equipment. The Division is responsible for the acquisition, modification, maintenance and disposition of a fleet of autos, trucks and heavy equipment.

Professional Engineers in California Government (PECG) and the Department of Personnel Administration (DPA) entered into an agreement for the Department to establish an Equipment Engineer deep class similar to other current engineering deep classes in State service. The new class will serve as a more effective recruitment tool for the Division of Equipment and will aid in the retention of engineers registered in varying engineering disciplines (i.e. civil, mechanical, etc).

CLASSIFICATION CONSIDERATIONS

2. **What classification (s) does the subject class(es) report to?**

Incumbents in the class of Equipment Engineer report to a Senior Equipment Engineer position.

3. **Will the subject class(es) supervise? If so, what class?**

No.

4. **What are the specific duties of the subject class(es)?**

Under direction, incumbents perform a wide variety of office and field equipment engineering work in connection with mobile equipment design, fabrication, drafting, specifications and inspections.

5. **What is the decision-making responsibility of the subject class(es)?**

Responsible for decisions related to the design, specification and fabrication of mobile equipment owned by the State.

6. **What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety comprised, etc).**

Errors could affect the safety, integrity or functionality of State owned mobile equipment.

7. **What are the analytical requirements expected of incumbents in the subject class(es)?**

Required to analyze the structural integrity, performance requirements or buildable costs associated with mobile equipment.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

May act as a lead-person directing the work of fabricators and mechanics of the State and private industry while investigating and improving the fabrication of mobile equipment
May work with other engineers within the State or private sector to improve the design, and functionality of mobile equipment. May act as expert witness in Board or court actions.

NEED FOR NEW CLASS

9. For new classes only: what existing classes were considered and why were they not appropriate?

There are no existing classes that can meet the requirements of the proposed class.

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns).

Proposed minimum qualifications:

Either

Graduation from a four year curriculum in a field related to equipment engineering accredited by the Accreditation Board for Engineering and Technology (ABET). (Registration as a senior in such a curriculum will admit applicants to the examination, but they must produce evidence of graduation before they will be considered eligible for appointment).

Or II

Possession of certification as an engineer-in-training issued by any United States state board of registration offering the National Council of Examiners for Engineering and Surveying (NCEES) exam. (Qualifying college/university education or work experience must be in a field related to equipment engineering).

Proposed Alternate Range Criteria:

Range A. This range shall apply to persons who do not meet the criteria for Range B, Range C, or Range D.

Range B. This range shall apply to persons who have either:

In State service, satisfactorily completed one year of experience performing duties equivalent to a Equipment Engineer, Range A. or

Two years of professional engineering experience outside State service in work primarily involving the use, care, and management of, or the construction and repair of, automotive or heavy construction equipment. and

A bachelors degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology. or

One year of professional engineering experience outside State service in work primarily involving the use, care, and management of, or the construction and repair of, automotive or heavy construction equipment. and

A master's or doctorate degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology.

Range C: This range shall apply to persons who have either:

In State service, satisfactorily completed two years of experience performing duties equivalent to a Equipment Engineer, Range B. or

Four years of professional engineering experience outside State service in work primarily involving the use, care, and management of, or the construction and repair of, automotive or heavy construction equipment. and

A bachelors degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology. or

Two years of professional engineering experience outside State service in work primarily involving the use, care, and management of, or the construction and repair of, automotive or heavy construction equipment. and

A masters or doctorate degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology.

Range D: This range shall apply to persons who:

Possess a valid certificate of registration as a mechanical, electrical, civil, agricultural, manufacturing or structural engineer issued by the California Board of Registration for Professional Engineers and Land Surveyors.

In addition, Pattern II of the Minimum Qualifications for the class of Senior Equipment Engineer are being revised to reflect establishment of the Equipment Engineer class:

Two years of experience performing the duties of an Associate Equipment Engineer, Equipment Engineer, Range D, Highway Equipment Superintendent I or II, or Highway Superintendent in the California state, Highway Equipment Superintendent I or II, or Highway Superintendent in the California state service.

PROBATIONARY PERIOD

11. If a probationary period more than six months is proposed, what is the rationale?

Not applicable.

STATUS CONSIDERATIONS**12. What is the impact on current incumbents.**

Incumbents in other engineering deep classes within the Division of Equipment are currently at Range D of those respective classes. They will be given the option to transfer to Range D of the proposed Equipment Engineer class. Incumbents in the Associate Equipment Engineer class will remain in that class and a Footnote 24 will be assigned to the class. As incumbents in that class become registered as a professional engineer, they will be given the option of transferring to Range D of the Equipment Engineer class.

13. Will current employees move by examination, transfer, reallocation, split-off, etc? Explain rationale.

Incumbents currently in other engineering deep classes in Equipment will be given the opportunity to move by transfer to Range D of the Equipment Engineer class. It is proposed that Range D of the class will be at the same salary level as Range D of the current engineering deep classes. The reason for this is to allow current registered staff to maintain their current class/registration identity. A mandatory transfer would not result in the elimination of any existing classes.

CONSULTED WITH**14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.**

None.

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CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: HM25
Class Code: 3639
Established:
Revised: --
Title Changed: --

EQUIPMENT ENGINEER

DEFINITION

This is the entry, first working, and journey level of equipment engineering work in the Department of Transportation. Incumbents are assigned duties commensurate with their background, training, and experience. Under direction, incumbents perform a wide variety of shop and field equipment engineering in connection with mobile equipment design, fabrication, drafting specifications and inspection work; may function as a lead person over the activities of other engineering and technician personnel; and do other related work.

TYPICAL TASKS

Performs engineering work in the layout, design, specification, fabrication, and inspection of mechanical, hydraulic, structural, and electrical systems utilized in mobile equipment, vehicles, their subassemblies, and components; prepares designs, detailed drawings, specifications for mechanical, hydraulic, and electrical system designs, frame, and suspensions; checks working drawings; prepares material lists and specifications; establishes performance and operational requirements of equipment; analyzes, selects, and approves materials; confers with contractors regarding compliance with contract specifications and quality of work during fabrication; conducts detailed field inspections and of material, equipment, and fabrication operations; supervises the installation, repair, or improvements of equipment; selects or uses computer based processes to compile engineering and project data; utilizes Computer Aided Design (CAD) and Computer Aided Manufacturing (CAM) processes during the design and fabrication of equipment; utilizes project management concepts to schedule resources and sets milestones for equipment projects; makes field investigations, analyzes equipment failures, and provides corrective actions; provides support to field maintenance operations as required; may act as an expert witnesses in Board or court actions; may lead other engineering and technical personnel; and prepares correspondence and reports.

MINIMUM QUALIFICATIONSEither I

Graduation from a four-year curriculum in a field related to equipment engineering accredited by the Accreditation Board for Engineering and Technology (ABET). (Registration as a Senior in such a curriculum will admit applicants to the examination, but they must produce evidence of graduation before they will be considered eligible for appointment.)

Or II

Possession of certification as an engineer-in-training issued by any United States state board of registration offering the National Council of Examiners for Engineering and Surveying (NCEES) exam. (Qualifying college/university education or work experience must be in a field related to equipment engineering).

KNOWLEDGE AND ABILITIES

Knowledge of: Engineering fundamentals and mathematics; design and preparing design and layout drawings, written specifications, and estimates for mechanical and electrical systems used in vehicles and their subassemblies, including methods of power transmission, electrical control systems, and hydraulics pertaining to the design of vehicle systems; and various codes, safety orders, and regulations governing the design, operation, and installation of mobile equipment, including electric motors and circuits.

Ability to: Prepare plans, specifications, and estimates for mobile equipment systems; do mechanical design work; make correct computations; make neat and accurate drawings and technical sketches; specify proper equipment materials; accurately interpret drawings and specifications; determine required sizes for various vehicle components; direct or inspect field fabrication by outside vendors or make field inspections and tests of mechanical installations; check drawings and specifications; establish and maintain cooperative relations with those contacted in the course of the work; analyze situations accurately, and adopt and take effective action; prepare correspondence; and make effective oral and written reports.

ALTERNATE RANGE CRITERIA 441

Range A. This range shall apply to persons who do not meet the criteria for Range B, Range C, or Range D.

Range B. This range shall apply to persons who have either:

1. In State service, satisfactorily completed one year of experience performing duties equivalent to a Equipment Engineer, Range A. or
2. Two years of professional engineering experience outside State service in work primarily involving the use, care, and management of, or the construction and repair of, automotive or heavy construction equipment. and

A bachelor's degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology. or
3. One year of professional engineering experience outside State service in work primarily involving the use, care, and management of , or the construction and repair of, automotive or heavy construction equipment. and

A master's or doctorate degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology.

Range C. This range shall apply to persons who have either:

1. In State service, satisfactorily completed two years of experience performing duties equivalent to a Equipment Engineer, Range B. or
2. Four years of professional engineering experience outside State service in work primarily involving the use, care, and management of, or the construction and repair of, automotive or heavy construction equipment. and

A bachelor's degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology. or
3. Two years of professional engineering experience outside State service in work primarily involving the use, care, and management of, or the construction and repair of, automotive or heavy construction equipment. and

A master's or doctorate degree in an engineering curriculum related to equipment engineering from a college or university accredited by the Accreditation Board of Engineering Technology.

Range D. This range shall apply to persons who:

Possess a valid certificate of registration as a mechanical, electrical, civil, agricultural, manufacturing or structural engineer issued by the California Board of Registration for

Professional Engineers and Land Surveyors.

NOTE: "Professional engineering experience" for the purpose of Alternate Range Criteria 441 is defined as actual work experience gained after graduation from a four-year college or university with a degree in an engineering curriculum.

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.676 except that upon movement from Range C to Range D, the provisions of DPA Rule 599.674 shall apply.

(Cal. 6/8/04)

MEMO TO: STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT: Staff Calendar Items for Board Information
Staff has approved the following:

The staff has evaluated and recommends the following action
be taken:

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A. REGISTERED NURSE I, PHYSICIAN AND SURGEON

The California Department of Corrections (CDC) requests that the State Personnel Board abolish the Registered Nurse I, Correctional Facility and Physician and Surgeon, Correctional Facility eligible lists prior to the minimum 12 months required for the life of these lists, effective June 30, 2004. The eligibility lists resulting from the E&E examination process administered by CDC for the above mentioned classification have resulted in more than 20 candidates on the lists and more than three ranks, contrary to SPB policy for E&E examinations. CDC has developed new examinations for the above-mentioned classification. All of the candidates currently on the eligibility lists have been notified and will have opportunity to compete in the new examination process.

Memorandum

Date : April 23, 2004

To : Jennifer Roche
Policy Consultation
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814

Subject : **STAFF CALENDAR ITEM – ABOLISHMENT OF LISTS – REGISTERED NURSE I, CORRECTIONAL FACILITY AND PHYSICIAN AND SURGEON, CORRECTIONAL FACILITY**

Summary of Issues

The California Department of Corrections (CDC) is requesting that the State Personnel Board (SPB) abolish the eligible lists for the Registered Nurse (RN) I, Correctional Facility (CF) and Physician and Surgeon (P&S), CF prior to the minimum 12 months required for the life of these lists. These lists were created from Education and Experience (E&E) examinations given on an open basis by CDC. The examination plan for these two classifications is being changed from E&E to supplemental application, which was developed in conjunction with SPB's Test Validation and Construction Unit and with the assistance of SPB's Examination Services Unit. The new examinations will be administered, and the eligibility lists that will result from the new supplemental application examination process will be in place prior to abolishing the old E&E eligibility lists. In addition, all of the candidates who are currently on the E&E eligibility lists will receive written notice regarding the abolishment of the old list, will be invited to take the new examination, and will be provided with a copy of the supplemental application for them to complete prior to the first administration of the examination.

Background

In 1995, CDC approached SPB's policy and examination staff to seek their permission to give many of the medical examinations on a continuous basis using the E&E examination process, knowing ahead of time that the eligibility lists could have more names than the 20 candidates SPB's policy typically allows. The necessity of exceeding the 20 candidates stemmed mainly from CDC's inability to hire qualified applicants quickly enough to meet court mandates and the needs of the institutions. Being able to use the E&E process on a continuous basis and being allowed to have more than 20 candidates on the list at any given time permitted CDC the maximum ability to add candidates to the list and to hire them very quickly. It was understood by both SPB and CDC that the new E&E process would generate more than the number of candidates generally allowable on an E&E examination, but SPB has the authority to allow more than 30 candidates to be on an E&E list under

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exceptional circumstances. This process is still in effect, although SPB recently issued a memo dated March 16, 2004, directing CDC to "discontinue the use of the E&E examination plan for the medical and teacher classifications within the following timeframes: immediately for the teacher classifications and upon completion of the job analysis and test development for each of the medical classifications. It is SPB's understanding from our departmental personnel staff that these should be completed for the Physician classes by May 2004 and June 2004 for the Nursing classes. SPB is willing to allow the use of the E&E process on a temporary basis until those dates."

The number of candidates on the eligibility lists for the RN, CF and P&S, CF has grown tremendously, yet the court mandates are still not being met in a timely manner in many instances, and the lists have been difficult for the institutions to clear. According to CDC's Health Care Services Division (HCSD), many of the candidates have licenses that are not valid or have pending lawsuits that have been filed against them, none of which precludes them from taking the examination but which does preclude them from being hired. It is apparent that a new testing method must be put in place that still meets CDC's needs and the mandates of the court, as well as the policies of the SPB.

SPB's Policy Unit and Test Validation and Construction Unit concluded that the present E&E process does not screen the candidates adequately. SPB's Examination Services unit believes that the E&E examination for these two classifications violates the precedential decision in Alexander. In addition, the eligibility lists for the RN, CF classification can result in more than three ranks as the result of the application of Veteran's Preference Points. The E&E examination, therefore, has never been the appropriate testing method for that classification and this situation must be rectified.

CDC's HCSD has determined through hiring interviews and background, reference, and licensing checks that some of the candidates on both the RN, CF list and the P&S, CF list are only marginally qualified, in that they marginally meet the minimum qualifications but they have not been offered employment and have remained on the list, creating a situation that was never intended – that of having over 100 people on an E&E list. In addition, HCSD has found that some of their medical facilities in the institutions have a need for certain specialized kinds of medical experience and expertise. The current method of testing P&S, CF by E&E does not distinguish those with the requisite experience and expertise from those who do not have it.

Because of the reasons above and as a result of conversations with SPB and with the Court Master, John Hagar, SPB asked CDC to discontinue using the E&E examination for the RN, CF and P&S, CF classifications and to develop an entirely

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new process more in keeping with the laws and rules of the Merit Selection process. CDC agreed to do so and, with the assistance of SPB's Testing Validation and Construction Unit and the Examination Services Unit, developed a supplemental application examination process for both these classifications. New examinations will be ready for implementation by June 30, 2004.

Applicable Law

Article VII, Section 1, subdivision (b) of the California Constitution provides:

"In the civil service, permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination."

Government Code § 18930, in relevant part, provides:

"Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the class of position for which they seek appointment...."; and

"Examinations may be assembled or unassembled, written or oral, or in the form of a demonstration of skill, or any combination of these; and any investigation of character, personality, education and experience and any tests of intelligence, capacity, technical knowledge, manual skill, or physical fitness which the board deems are appropriate may be employed."

SPB Rule 193 provides:

"Formula Rating. In any examination, the appraisal of education and experience of the competitors may be made by formula applied to the information and data given on their official applications. Such appraisal may be made without interview and without evaluating personal qualifications of the competitors."

SPB policy, as cited in the Selection Manual Section 5120.3, has been that the use of an examination plan based on E&E ratings may be inappropriate in some circumstances, for example:

"Where there is a concern that candidates who marginally meet the minimum qualifications may not be offered employment and will thus remain on the list and preclude a new examination, temporary authorization appointment, or appropriate list designation"; or

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"When a specialized need exists which requires further evaluation of the candidate group by interview, written test, etc."; or

"When a review of the applications indicates a general lack of sufficient substantive information on which to base rating judgments."

SPB policy, as cited in the Selection Manual, 5210.5 and the proposed revision to this section, clearly indicates that E&E examinations are inappropriate when Veterans' preference points are added, as the result will be more than the three ranks allowed for E&E exams.

Issue

Should the Board exercise its authority to abolish the RN, CF and P&S, CF eligibility lists prior to the names being on the list for 12 months? Under Government Code (GC) § 18901, a Department may abolish an eligible list after the names have remained on the list for more than 12 months or the Department may abolish the list in less than 12 months if there are fewer than three names of persons willing to accept employment. CDC has continued to merge names onto the existing E&E eligibility lists with the result that there are more than three persons interested in employment and more than three persons whose names have been on the list fewer than 12 months.

The Board does not have the authority to abolish an eligible list that does not meet GC § 18901, and the only option is for CDC to petition the five member Board to abolish the existing lists prior to the one year and upon completion of the newly validated examinations.

Recommendation

CDC recommends the five member Board adopt the following resolution abolishing the RN, CF and P&S, CF E&E eligibility lists effective June 30, 2004.

WHEREAS, CDC administered E&E examinations for the classifications of RN, CF and P&S, CF on a continuous basis since 1995; and

WHEREAS, the eligibility lists established as a consequence of the E&E examinations resulted in more than 20 candidates on the lists, contrary to SPB policy; and

WHEREAS, the eligibility list for RN, CF resulted in more than three ranks, contrary to SPB's policy; and

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WHEREAS, both the RN, CF and P&S, CF examinations have been redone; and

WHEREAS, all of the candidates currently on the eligibility lists have been notified that there is a new examination process; and

WHEREAS, all of the candidates currently on the eligibility lists have been provided a copy of the new application/examination; and

WHEREAS, CDC does not have the authority to abolish the eligibility lists on its own to correct the errors; and

WHEREAS, in light of the foregoing, CDC has decided to petition the Board to exercise its authority to abolish the former eligibility lists, effective June 30, 2004;

THEREFORE, BE IT RESOLVED AND ORDERED, that:

The Board hereby abolishes CDC's RN, CF list and CDC's P&S, CF lists, effective June 30, 2004.

Original Signed By:

SHARON E. PLANCHON
Assistant Deputy Director
Office of Personnel Management

APPROVED/DISAPPROVED:

Approved

Daisy McKernye for KAC
SPB Staff Signature

5/17/04
Effective Date

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bcc: Ruth Dragash
Neil Thompsen
Barbara Gerletti-Weiss
Debra Santiago
Carol Hosino
Chron. File

CH:jr

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